

**FLATHEAD COUNTY PLANNING BOARD AND
FLATHEAD COUNTY COMMISSIONERS
MINUTES OF THE JOINT WORKSHOP
JUNE 26, 2013**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Greg Stevens, Jim Heim, Jeff Larsen and Robert Faulkner. Ron Schlegel, Gene Shellerud and Noah Bodman were absent. Commissioners present were Cal Scott, Pam Holmquist and Gary Krueger. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There was 1 person in the audience.

**WELCOME AND
INTRODUCTION**

Hickey-AuClaire welcomed the board members and commissioners to the meeting.

Caitlin Overland from the Flathead County Attorney's office introduced herself to the board and commissioners.

**PUBLIC
COMMENT**

None.

**REVIEW OF
MONTANA
DEPARTMENT
OF
COMMERCE
COMMUNITY
TECHNICAL
ASSISTANCE
PROGRAM
(CTAP)**

Grieve thanked everyone in attendance for coming to the meeting. He reviewed the training attended for the Community Technical Assistance Program (CTAP) and explained the actions required from the Planning Department. Items in the training included Senate Bill 293 (SB 293) which required a subdivision regulations amendment, Senate Bill 290 (SB 290) which applied to parcels in unincorporated areas of part 2 zoning which are fully surrounded by a municipality. If an owner of such a parcel wanted to change the use on the parcel, the county had to notify owners within 300 feet of the parcel of the intended change. If 10% or more of the owners or the municipality requested a hearing on the change of use, then the county must hold a hearing. He went on to explain the difficulties of the bill.

The board and Grieve discussed the intent of the bill and the challenges in complying with it.

Grieve went on to explain Senate Bill 23 (SB 23) which regarded the process of interim zoning and the county's new responsibility to initiate a study to verify the emergency, identify the facts and circumstances of the emergency, define options for mitigating the

emergency and determine the course of action the governing body was to take during the interim zoning. The issue this bill would most likely affect would be the outcome of the litigation of the Whitefish Donut area. If the area came back under the county jurisdiction then the Whitefish City zoning was no longer applicable, yet if there was no zoning in place, the city of Whitefish could zone up to a three mile area outside of the city. He explained the difficulties of following these guidelines.

The board and Grieve discussed the challenges with the bill.

**DISCUSSION OF
SB324
BUILDING FOR
LEASE OR
RENT (BLR)
REGULATIONS**

The board, commissioners and Grieve discussed who knew what happened in the state congressional sessions, the available information and the pros and cons of knowing what legislation was pending.

Grieve spoke at length about the history and challenges of applying the subdivision by rent or lease section in the Subdivision Regulations. He reviewed several law cases concerning subdivision by rent or lease. In response to these challenges the Building for Lease or Rent (BLR) regulations was developed. He explained what subdivision for rent or lease had been defined as in the subdivision regulations. Now that the bill had passed more of a review was needed to be conducted on the properties affected.

Grieve and Scott discussed if the BLR applied to human habitation only.

**DISCUSSION OF
CONTENT AND
ADOPTION
PROCESS FOR
“FLATHEAD
COUNTY BLR
REGULATIONS”**

Grieve said the effective date for the BLR was September 1, 2013. Due to several variables, he felt the set of model regulations which had been established was the best way to implement the BLR. He summarized the copy of the model he had passed out to the board before the meeting. He went over in depth the process which needed to be followed to have the regulations ready to become effective in September.

Stevens and Grieve discussed if the regulations had to be the same letter for letter as the model.

Grieve asked that the board accept the model as the regulations with one exception and the benefits for that action. He reviewed for the board several examples where having the model adopted would be beneficial.

Grieve reviewed the process of adoption which was 30 days posted notice, legal notice of a public hearing by the commission then the commission could adopt the BLR regulations. He discussed different options on how the regulations could be adopted and how the joint workshop came to be. On July 10, 2013, at the regularly scheduled Planning Board meeting he would have answers for the board to questions posed at this workshop. He relayed the dates which needed to be followed for the process to have the regulations adopted in the appropriate timeframe. He then reviewed in depth the model regulations passed out before the meeting with the board.

The board, commissioners and Grieve discussed at length the highlights of the review which included the definition of 'building', who would fall under the BLR as of September 1, 2013 as far as projects underway, exemptions, the process for the review, the definition of 'department', who the reviewing body was, parts of the bill which were included in the model, the pros and cons of verbiage from the bill in the model regulations and what the bill allowed the local governments to change in their regulations. They continued to discuss at length possible changes to the regulations, the potential effects and ramifications of the changes, enforcement of violations, how changes would be made and how the county would know if there were violations of the BLR. They returned to discussion of possible changes to the model regulations.

Grieve will research and submit to the board draft changes to the model BLR regulations at a later date. He said he would email a copy of the Planning Office's strategic plan for fiscal year 2014 to the board and commissioners.

**PUBLIC
COMMENT**

None.

ADJOURNMENT The workshop was adjourned at approximately 8:30 pm.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 8 / 14 / 13*